

ELEANOR R. NEUBERGER

IBLA 76-761

Decided March 14, 1977

Appeal from decision of New Mexico State Office, Bureau of Land Management, rejecting offer to lease for oil and gas NM 27945.

Affirmed.

1. Oil and Gas Leases: Applications: Generally

A simultaneous oil and gas lease offer is properly rejected and the filing fee retained where the offeror, in completing the drawing card, does not provide the name of the State in which the parcel of land is located.

APPEARANCES: Eleanor R. Neuberger, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Eleanor R. Neuberger appeals from a decision of the New Mexico State Office, Bureau of Land Management (BLM), rejecting her simultaneous oil and gas lease offer NM 27945. The offer was rejected because appellant neglected to show on her entry card the name of the State for which the offer was intended. Appellant protests that she should have been notified before the drawing that her card was incomplete and that, notwithstanding the omission, the meaning of her offer was clear on its face. Appellant also states that the procedure for filing the card was new to her and that she therefore omitted the name of the State "because of confusion."

[1] Pursuant to 43 CFR 3112.2-1(a), offers to lease simultaneous oil and gas leasing units must be submitted on a form approved by the Director, and such form must be "signed and fully executed by the applicant or his duly authorized agent in his behalf." Omission of the name of the State has been considered several times by this Board. In each case it was held that a drawing entry card which fails to provide the name of the State where the parcel is located is not fully executed within the plain meaning of the above regulation. Jerry Van Waardhuizen, 26 IBLA 152 (1976); Ishmael Guerra, 26 IBLA 116 (1976). Ray Granat, 25 IBLA 115 (1975).

The fact that appellant was not notified prior to the drawing of the deficiency in her application is of no consequence. The Bureau was under no obligation to so notify her. Her contention that the application was specific enough without the State name is also without merit as is her assertion that she should receive special consideration due to her lack of familiarity with the filing procedure. The Federal Register notice which designated BLM form 3112-1 (May 1974) as the correct form of lease offer for simultaneous filing, 34 F.R. 24 523 (1974), contained this statement:

Failure to complete any part of the card will disqualify the applicant for participation in the drawing and will result in the retention of the \$ 10 filing fee by the Federal Government as a service charge.

The Board adheres to the precedents stated above.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Douglas E. Henriques

Administrative Judge

We concur:

Frederick Fishman
Administrative Judge

Newton Frishberg
Chief Administrative Judge

